



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 10704B

PERMIT 6198

LICENSE 4203B

Page 1 of 3

THIS IS TO CERTIFY, That

Horsemen Company Trust
(dba) Blue Cabins Motel
P.O. Box 754
Bayside, CA 95524

has the right to use waters of Pelletreau Creek in Trinity County tributary to Trinity River.

for the following purpose: **Domestic Use**

Amended License 4203B supersedes the license originally issued on **March 21, 1956**, which was perfected in accordance with the laws of California, the regulations of the State Water Resources Control Board (SWRCB) or its predecessor, and the terms of **Permit 6198**. The priority of this right dates from **August 24, 1943**. Proof of maximum beneficial use of water pursuant to **Application 10704** was made as of **September 13, 1947**.

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed **2,400 gallons per day to be diverted from January 1 to December 31 of each year**.

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

THE POINT OF DIVERSION IS LOCATED:

By California Coordinates of 1927, Zone 1, North 530,200 feet and East 1,632,800 feet, being within NW¼ of NW¼ of projected Section 30, T5N, R8E, HB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Seven Cabins located within SE¼ of NE¼ of projected Section 25, T5N, R7E, HB&M, as shown on map dated August 2000 and identified by the County Assessor's Office as Parcel #008-300-06 on file with the SWRCB.

Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

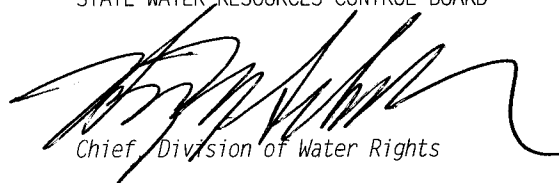
Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: FEB 14 2001

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights



STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 10704A

PERMIT 6198

LICENSE 4203A

Page 1 of 3

THIS IS TO CERTIFY, That

Patrick S. McCalmont and
Michelle H. McCalmont
Route 1, Box 54
Big Bar, CA 96010

Has the right to use waters of **Pelletreau Creek** in **Trinity County** tributary to **Trinity River**

for the following purpose: **Domestic use**

Amended License 4203A supersedes the license originally issued on **March 21, 1956**, which was perfected in accordance with the laws of California, the regulations of the State Water Resources Control Board (SWRCB) or its predecessor, and the terms of **Permit 6198**. The priority of this right dates from **August 24, 1943**. Proof of maximum beneficial use of water pursuant to **Application 10704** was made as of **September 1947**.

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed **2,100 gallons per day to be diverted from January 1 to December 31 of each year**.

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

THE POINT OF DIVERSION IS LOCATED:

By California Coordinates of 1927, Zone 1, North 530,200 feet and East 1,632,800 feet, being within NW¼ of NW¼ of projected section 30, T5N, R8E, HB&M.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Recreational Vehicle (R/V) Facility located within SW¼ of NE¼ of projected section 25, T5N, R7E, HB&M, as shown on map dated August 2000 and identified by the County Assessor's Office as Parcel #008-310-29 on file with the SWRCB.

Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: FEB 14 2001

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

In the Matter of License 4203 (Application 10704)

Patrick S. McCalmont and Michelle H. McCalmont,
and
Horsemen Company Trust

ORDER APPROVING DIVISION OF LICENSE

SOURCE: Pelletreau Creek

COUNTY: Trinity

WHEREAS

1. License 4203 was assigned to E.O. Crowell and Elsie N. Crowell pursuant to Application 10704 and was mailed to the County Recorder of Trinity County on March 29, 1956.
2. License 4203 was subsequently assigned to Patrick S. McCalmont and Michelle H. McCalmont and the Horsemen Company Trust.
3. The SWRCB determined the division of the license does not constitute the initiation of a new right nor operate to the injury of any other lawful water user.
4. The license condition pertaining to the SWRCB's continuing authority should be updated to conform with the current Section 780(a), Title 23, of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED:

1. License 4203 be replaced by License 4203A issued to Patrick S. McCalmont and Michelle H. McCalmont and License 4203B Horsemen Company Trust.
2. License 4203 is hereby revoked upon issuance of Licenses 4203A and 4203B.

3. License 4203A (Application 10704A)
Owner: Patrick S. McCalmont and
Michelle H. McCalmont
Route 1, Box 54
Big Bar, CA 96010
Source: Pelletreau Creek tributary to
Trinity River in Trinity County
Use: Domestic use
Amount: 2,100 gallons per day
Season: January 1 to December 31
Point of
Diversion: North 125 feet and East 90 feet
from SW corner of projected
Section 30, T5N, R8E, HB&M,
being within NW1/4 of NW1/4
of said Section 30 and (California
Coordinate System, Zone 1,
N 530,200 and E 1,632,800).
Place of
Use: Recreational Vehicle (R/V) facility
located within SW1/4 of NE1/4 of
projected Section 25, T5N, R7E, HB&M.,
as shown on map dated August 1998 on
file with the State Water Resources
Control Board within Assessors Parcel
#8-310-29.
- License 4203B (Application 10704B)
Owner: Horsemen Company Trust
P.O. Box 754
Bayside, CA 95524
Source: Pelletreau Creek tributary to
Trinity River in Trinity County
Use: Domestic use
Amount: 2,400 gallons per day
Season: January 1 to December 31
Point of
Diversion: North 125 feet and East 90 feet
from SW corner of projected
Section 30, T5N, R8E, HB&M,
being within NW1/4 of NW1/4
of said Section 30 and (California
Coordinate System, Zone 1,
N 530,200 and E 1,632,800).

Place of
Use:

Seven cabins located within the SE1/4
of NE1/4 of projected Section 25, T5N,
R7E, HB&M, as shown on map dated
August 1998 on file with the State
Water Resources Control Board within
Assessors Parcel No. #008-300-06.

3. The continuing authority condition, shall be updated to read as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

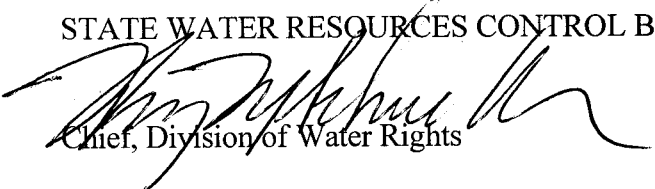
The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

4. Licenses 4203A and 4203B shall contain all other terms and conditions presently in 4203 or updated versions for compliance with the SWRCB's policy.

Dated: FEB 14 2001

STATE WATER RESOURCES CONTROL BOARD


Chief, Division of Water Rights



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 10704

PERMIT 6198

LICENSE 4203

THIS IS TO CERTIFY, That E. O. Crowell and Elsie N. Crowell

Del Loma Lodge

Big Bar, California

Notice of Assignment (Over)

made proof as of July 27, 1954,

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of Pelletreau Creek in Trinity County

tributary to Trinity River

for the purpose of domestic use

under Permit 6198

of the Department of Public Works and that said right to the use of said water has been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from August 24, 1943; and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed four thousand five hundred (4,500) gallons per day to be diverted from January 1 to December 31 of each year.

The point of diversion of such water is located north one hundred twenty-five (125) feet and east ninety (90) feet from SW corner of the NW1/4 of NW1/4 of Section 30, T 5 N, R 8 E, HB&M, being within the NW1/4 of NW1/4 of said Section 30.

A description of the lands or the place where such water is put to beneficial use is as follows:

Within SW1/4 of NE1/4 and N1/2 of SE1/4 of Section 25, T 5 N, R 7 E, HB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



Witness my hand and the seal of the Department of Public Works of the State of California, this 21st day of March, 1956

HARVEY O. BANKS,
Assistant State Engineer

By L. C. Jopson
Assistant State Engineer

12/20/57 RECEIVED NOTICE OF ASSIGNMENT TO Jack H. Shaw, Jr.

2/13/61 RECEIVED NOTICE OF ASSIGNMENT TO Stephen B. & Ruth L. Kahn

12-17-64 RECEIVED NOTICE OF ASSIGNMENT TO David L. & Bonnie B. W.

Owsley

1/23/68 RECEIVED NOTICE OF ASSIGNMENT TO Est of David L. Owsley

2/19/68 RECEIVED NOTICE OF ASSIGNMENT TO R. L. & Carina Munro

12-8-70 RECEIVED NOTICE OF ASSIGNMENT TO Stephen B. and Ruth L. Kahn

4-26-85 Assign to Mahe Parker Burke & Laurie McHatton Burke,
Richard Boutwell & Janice Boutwell

LICENSE 4203

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO E. O. Crowell and Elsie N. Crowell

DATED MAR 21 1956

65287-6-53 3M SPO